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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15
16 DIANE DESIO, individually, and on behalf of
similarly situated individuals,
17 Plaintiff,

18 vs.

19 RUSSELL ROAD FOOD AND BEVERAGE,
LLC dba CRAZY HORSE III GENTLEMEN'S
20 CLUB, Does 1 to 10,

21 Defendant.

22 RUSSELL ROAD FOOD AND BEVERAGE,
23 LLC dba CRAZY HORSE III
GENTLEMEN'S CLUB,

24 Counterclaimant,

25 vs.

26 DIANE DESIO, individually, and on behalf of
27 similarly situated individuals, Does 1 to XX,
and Roe Business Entities I through XX,
28 Counterdefendants.

Case No.: 2:15-cv-01440-GMN-CWH

**STIPULATION AND ORDER
EXTENDING THE SCHEDULING
ORDER TO ALLOW TIME FOR
THE PARTIES TO DISCUSS
MEDIATION**

(SEVENTH REQUEST)



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1 Plaintiff, DIANE DESIO, individually and all of those similarly situated,
2 (“Plaintiff”) and Defendant, RUSSELL ROAD FOOD AND BEVERAGE, a Nevada
3 Limited Liability Company, d/b/a/ CRAZY HORSE III GENTLEMEN’S CLUB
4 (“Defendant”), by and through their undersigned attorneys, submit to the Court the
5 following Stipulation and Order for Extension/Modification of the current Scheduling Order
6 pursuant to LR IA 6-1 and LR 26-4 (a), so that the parties can discuss mediation.
7

8 The Plaintiff in this case asserts claims for unpaid wages under the Fair Labor
9 Standards Act, 29 U.S.C. § 201 et seq., on behalf of herself and all other similarly situated
10 individuals who performed as exotic dancers at the Defendant’s club, Crazy Horse III. On
11 September 29, 2017, the Court granted the Plaintiff’s Motion for Conditional Certification
12 pursuant to 29 U.S.C. § 216(b), and authorized the Plaintiff to issue notice of this collective
13 action by mail, email, and text message to all current and former exotic dancers who
14 performed at Crazy Horse III at any time since January 2, 2014. [Docket No. 67]. In that
15 same Order, the Court granted the Plaintiff’s Motion to Toll the Statute of Limitations until
16 the Defendant could produce a list of potential class members along with their mailing
17 addresses, email addresses, and cell phone numbers. Id. at pp. 12-14. Because there are over
18 5,000 potential class members in this case, the Defendant required additional time to
19 compile a list of potential class members’ names, addresses, email addresses, and telephone
20 numbers. As a result, the parties previously stipulated to extend the time allotted for the
21 Defendant to produce a class list to January 22, 2018, to extend the deadline for the
22 Plaintiff’s counsel to issue notice to potential class members to February 8, 2018, and to
23 extend the tolling of the statute of limitations for absent potential class members to February
24 8, 2018.
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1 On January 22, 2018, the Defendant, through its counsel, produced a class list to
2 Plaintiff's counsel pursuant to the Court's scheduling order [Docket No. 79]. Since that
3 time, the parties have been engaged in mediation discussions for the purpose of negotiating
4 a collective action settlement. The parties are currently working together to agree on a
5 private mediator and to set a mediation date. However, the current deadline for the Plaintiff
6 to issue notice to potential class members of their opportunity to opt in to this collective
7 action was February 8, 2018, and if the parties are to conduct mediation it will need to be
8 done before notice is issued to the class.¹ Therefore, the parties have agreed to jointly
9 stipulate, pursuant to Local Rule 26-4(d), to revise the scheduling deadlines in this case as
10 set forth below:
11

- 12 • By no later than March 7, 2018, the parties shall agree to schedule a mediation
13 that will take place by no later than May 11, 2018; in the event that the parties are
14 ultimately unable to agree upon mediation, the parties shall submit a joint
15 stipulation to the Court by March 7, 2018, to reset the schedule for the issuance of
16 class notice and all subsequent litigation deadlines;
17
- 18 • All scheduling order deadlines stayed, and the statute of limitations for absent
19 potential class members is tolled, pending mediation.
20

21 This is the parties' seventh joint request for extension of the scheduling
22 deadlines.²
23

24 ¹ In the event the parties successfully negotiate a collective action settlement at
25 mediation, the parties would agree on a notice to be issued to potential class members
26 notifying them of their opportunity to opt-in to the settlement.

27 ² Pursuant to Local Rule 26-4(a), the parties report that they have exchanged
28 and responded to written discovery, the Plaintiff's deposition was taken on
December 19, 2016, and the Plaintiff took a deposition of Defendant's Person Most
Knowledgeable on August 19, 2016. Pursuant to Local Rule 26-4(b), the parties

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DATED this 27th day of February, 2018.

report that the remaining discovery to be completed includes discovery related to the claims of potential class members who submit signed opt-in forms during the 60-day opt-in period set forth in the Court's Order granting conditional certification. It is anticipated that in the event a settlement is not reached at mediation, there will need to be additional written discovery after potential class members have had the opportunity to opt-in to join the Plaintiff's collective action.



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IT IS SO ORDERED.


C.W. Hoffman, Jr.
United States Magistrate Judge

Dated: February 28, 2018



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